

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

TBT/Notif.89.256
20 October 1989

Special Distribution

Committee on Technical Barriers to Trade

NOTIFICATION

The following notification is being circulated in accordance with Article 10.4.

1. Party to Agreement notifying: <u>UNITED KINGDOM</u>
2. Agency responsible: Department of Trade and Industry
3. Notified under Article 2.5.2 [X], 2.6.1 [], 7.3.2 [], 7.4.1 [], Other:
4. Products covered (HS where applicable, otherwise national tariff heading): All-Terrain Vehicles: a motor cycle-like machine with an internal combustion engine designed for use on all types of terrain. SITC 785.1. CCCN 8709, 1099, 5910, 5940, 5960, 5970 + 9000
5. Title: The All-Terrain Motor Vehicles (Safety) Regulations 1989
6. Description of content: The draft regulations provide for: (a) continuation of the ban on the supply of three-wheeled ATVs (for all age groups) after the expiry of the Three-Wheeled All-Terrain Motor Vehicles (Safety) Regulations 1988 on 7 December 1989; (b) specify separate maximum speeds for four-wheeled ATVs that are designed or intended for use by children in the two age groups of under twelve years and of those aged twelve years and under sixteen years; (c) require that four-wheeled ATVs for children must have a speed regulator capable of reducing those maximum speeds to the lower levels specified for the two age groups; (d) require that four-wheeled ATVs for children must be supplied with the speed regulator in operation; (e) specify the conditions under which the speeds of four-wheeled ATVs for children are to be measured; and (f) require that four-wheeled ATVs intended for children aged twelve years and under sixteen years must be labelled to show that they are not suitable for children under twelve years.

. / .

6. (cont'd)

The regulations will not apply to ATVs:

- (i) designed or constructed for agricultural or forestry use;
- (ii) invalid carriages;
- (iii) two-wheeled motor cycle with a side car attached.

7. Objective and rationale: The Three-Wheeled All-Terrain (Motor Vehicles) Safety Regulations 1988 were made in urgent response to an influx of three-wheeled ATVs which had been banned in the United States and were being diverted to the United Kingdom. These vehicles, which have poor stability, have caused a high number of deaths and serious injuries in the United States. Recent information from the United States indicates that there are still a large number of these vehicles in store awaiting a market opportunity. Without a continuation of the present ban in the United Kingdom, those previously involved in the supply of these vehicles would be able to resume imports from their former sources.

An investigation by the United States Consumer Products Safety Commission into the Safety of ATVs showed that four-wheeled ATVs have better stability than three-wheeled models. However, the United States accident data showed that of the 262 recorded deaths in the United States involving four-wheeled ATVs over the period from January 1982 to June 1988, some 40 per cent were child riders under sixteen years old. The study also showed that the risk of having an accident increases significantly with larger machines capable of higher speeds.

Consequently, it is proposed to introduce maximum speed criteria for four-wheeled ATVs designed for children, which are becoming increasingly popular. The lower speeds required to be achieved by use of a regulator on these vehicles are intended to cater for variances in rider ability and experience in the two age groups.

8. Relevant documents: Consumer Protection Act 1987. The Three-Wheeled All-Terrain Motor Vehicles (Safety) Regulations 1988 (SI 1988 No. 2122)

9. Proposed dates of adoption and entry into force: The provisions of 6(a) above will come into force on 7 December 1989. Those described at (b) to (f) will come into force on 1 June 1990.

10. Final date for comments: 3 November 1989

11. Texts available from: National enquiry point [X] or address of other body: